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| 09/693,565 | 10/20/2000 | William F. Brooks Jr. | 40234/MEG/A484 | 7788 |

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EXAMINER

GORT, ELAINE L

ART UNIT PAPER NUMBER

3627

DATE MAILED: 01/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/693,565

Applicant(s)

BROOKS JR. ET AL.

Examiner

Elaine Gort

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) 21-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-10 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 21-24 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: these claims are drawn to a method of using a cash control system.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 21-24 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Drawings

2. The replacement drawing for figure 2 was received on 11/17/03. This drawing is approved.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 17-20 are rejected because they lack patentable utility. Claims 17-20 only claim the manipulation of data but perform no concrete, useful or tangible result. This rejection could be overcome by including a positive recitation of a report being generated.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claim 10 it is unclear and inconsistent with the specification regarding the second report identifying deposit information for the business day where the sequence numbers and the alternate sequence number are the same. The number according to the specification is adjusted at the end of the business day, not when there is a second report. Additionally, this would only occur if only one pickup occurs during the day, if two pickups occur during the day the second deposit report would not have matching sequence number and alternate sequence numbers.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-9, 17 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Brooks, Jr. et al. (US Patent 6,067,530).

Brooks, Jr. et al. disclose the claimed cash control system comprising: a safe assembly (such as safe 24 which cashier's fed) with a currency reader; a central control unit configured to receive deposit information from the safe assembly and to generate and transmit deposit reports and transmit identifiers that distinguish deposit information accumulated during an accounting period before a predetermined event and deposit information accumulated during the accounting period after the predetermined event (system generates and transmits deposit reports with identifiers); and a cash information server configured to receive the deposit information and identifiers from the central control unit and to identify the amount of cash collected by the business establishment during the accounting period (deposit information is received for accounting use).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. In the event Brooks, Jr. et al. discussed above is found to not inherently include a networked computer system, claims 1-10 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks, Jr. et al. in view of Examiner's Official Notice.

Brooks, Jr. et al. discloses the claimed device but is silent regarding networked communication among all the parties involved with the deposit. Examiner takes official notice that it is notoriously old and well known in the art of data communication to utilize networked computer systems to produce low cost, accurate and speedy communication of data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cash control system of Brooks, Jr. et al. with networked computers of Examiner's official notice, in order to provide low cost, accurate and speedy communication of the deposit data among the parties of interest.

Regarding the use of MICR, the use of MICR for electronically communicating data is old and well known in the art of data communication and it would have been obvious to use MICR to produce low cost, accurate and speedy communication.

Regarding the updating of alternate sequence numbers and sequence numbers, Examiner takes Official Notice that the use of sequence and alternate sequence numbers are old and well known in the art of tracking transactions to provide coding which reveals status information about the transactions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cash control system of Brooks, Jr. et al. as modified above with sequence and alternate sequence numbers to provide coding indicating the status of the transactions documented.

Response to Arguments

10. Applicant has argued that Brooks, Jr. et al. does not disclose a central control unit configured to receive deposit information and transmit identifiers that distinguish deposit information accumulated during an accounting period before a predetermined event and deposit information accumulated during the accounting period after the predetermined event. Examiner contends that Brooks, Jr. et al. discloses a central control unit configured to receive deposit information and transmit identifiers that distinguish deposit information accumulated during an accounting period before a predetermined event and deposit information accumulated during the accounting period after the predetermined event. For example the central control unit (such as the central controller 36) generates and transmits deposit reports with identifiers based on received deposit information (such as from the drop safe and currency reader) and transmit identifiers (such as the reported totals between pickups and also shifts by cashiers, time

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and date stamps for events, canister identification, etc...) that distinguish deposit information accumulated during an accounting period before a predetermined event and deposit information accumulated during the accounting period after the predetermined event (a predetermined event could be a pickup or shift change).

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is (703)308-6391.

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The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703)308-5183. The fax phone number for the organization where this application or processing is assigned is (703)872-9327.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

EG



January 16, 2004



ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
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